

Austin & Rogers, P.A.

ATTORNEYS AND COUNSELORS AT LAW

WILLIAM FREDERICK AUSTIN
TIMOTHY F. ROGERS
RAYMON E. LARK, JR.
RICHARD L. WHITT
JEFFERSON D. GRIFFITH, III*
EDWARD L. EUBANKS
W. MICHAEL DUNCAN

COLUMBIA OFFICE:
CONGAREE BUILDING
508 HAMPTON STREET, SUITE 300
POST OFFICE BOX 11716
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 256-4000
FACSIMILE: (803) 252-3679
WWW.AUSTINROGERSPA.COM

CHARLESTON OFFICE:
505 BELLE HALL PKWY, SUITE 101
MT. PLEASANT, SOUTH CAROLINA 29464
TELEPHONE: (843) 856-2627
FACSIMILE: (843) 856-2664

WINNSBORO OFFICE:
120 NORTH CONGRESS STREET
POST OFFICE BOX 1061
WINNSBORO, SOUTH CAROLINA 29180
TELEPHONE: (803) 712-9900
FACSIMILE: (803) 712-9901

C.C. HARNES, III **
MELINDA A. LUCKA **

* ALSO ADMITTED IN N.C.

** OF COUNSEL

November 2, 2009

VIA ELECTRONIC FILING

The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

Re: • Formal Complaint of Carolyn L. Cook
• **Responsive Correspondence**

Dear Mr. Terreni:

The undersigned are attorneys of record for Carolyn L. Cook. Please consider the following, which is responsive to Alpine's Counsel's correspondence of October 30, 2009, which was hand delivered to you on the same date and mailed to us via U.S. Mails and not received until today.

We note that Alpine argues that Mrs. Cook is not currently a customer of Alpine, which is true, but irrelevant. Mrs. Cook was a customer of Alpine's during the time frame outlined in her Complaint and the willful overcharge Regulation referenced in her Complaint, R. 103.533.3, does not have a statute of limitations component.

It is obvious that Mrs. Cook's Complaint is still pending before the Commission. Note correspondence from counsel for ORS to you on April 2, 2009, wherein she denominates Carolyn L. Cook as an additional Complainant and describes, "...two Complaints..." The

Commission did not ever merge the two Complaints, nor did the Commission ever include “Carolyn L. Cook, Complainant” into the caption of Happy Rabbit’s Complaint, nor did the Commission include Mrs. Cook in the caption of any Order applicable to Happy Rabbit. In fact, Alpine’s Counsel failed to request that the two Complaints be merged and Alpine did not move to have Mrs. Cook’s Complaint dismissed, as they did for Happy Rabbit’s Complaint.

As I mentioned in my earlier correspondence to you, I wrote a two page correspondence to your attention on April 17, 2009, requesting a Hearing for Mrs. Cook pursuant to Section 58-5-270, S.C. Code of Laws Ann., (1976, as amended), because Mrs. Cook was not satisfied with ORS’s resolution of her Complaint. The Commission never provided a response to Mrs. Cook to either of her two requests for a Hearing.

As to Alpine’s reference to Happy Rabbit’s Petition for Clarification, it contained the following quote, “...Thereafter, Carolyn L. Cook also filed a Complaint against Alpine, **which Complaint remains un-docketed at this writing**” (emphasis supplied), which shows Mrs. Cook’s constant argument that her Complaint was un-docketed and unheard.

Respectfully submitted,

/s/

Timothy F. Rogers
Richard L. Whitt
Jefferson D. Griffith, III

RLW/krc

cc: John M. S. Hoefler, Esquire
Nanette S. Edwards, Esquire